



88/3763

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jeffrey A. Steward, Brandon Gosiengfiao
Assignee: Advanced Cardiovascular Systems, Inc.
Title: Medical Assembly With Transducer For Local Delivery Of A
Therapeutic Substance And Method Of Using Same
Serial No.: 09/475,548 Filing Date: December 30, 1999
Examiner: L. Thanh Group Art Unit: 3763
Docket No.: M-7891 US Client Ref.: 1922

#2
ARIVENS
5/21/01

Newport Beach, California
May 4, 2001

COMMISSIONER FOR PATENTS
Washington, D. C. 20231

RECEIVED
MAY 15 2001
TECHNOLOGY CENTER 3700

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This paper is in response to the Office Action mailed April 4, 2001, having a period for response set to expire on May 4, 2001, being one (1) month from the date of the Office Action.

The Examiner has issued a restriction requirement that requests the applicant to select from among four species including species A drawn to the structure shown in Figs. 5a and 6, species B drawn to Fig. 5b, species C drawn to Fig. 7, and species D drawn to Fig. 8.

Applicants respectfully traverse the restriction requirement stated in the above-referenced Office Action and, in accordance with 35 U.S.C. § 121 and 37 C.F.R. § 1.143, provisionally elect to examine Species D drawn to Fig. 8.

All claims 1-20 are readable on Species D shown in Fig. 8.

LAW OFFICES OF
SKJRVEN MORRILL
MACPHERSON LLP

25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979

Applicants traverse the restriction requirement on the basis that all elements in each of claims 1-20 is contained within the structure shown in Fig. 8. Applicants further traverse the restriction requirement on the basis that the different species have the same status in the art as shown by a same classification for examination purposes.

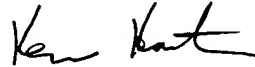
Therefore, it is respectfully requested that the Examiner reconsider and withdraw the restriction requirement and examine Claims 1-20 as a single invention.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on May 4, 2001.


Attorney for Applicants

5/04/01
Date of Signature

Respectfully submitted,



Ken J. Koestner
Attorney for Applicants
Reg. No. 33,004

Tel.: (949) 718-5200
Fax: (949) 718-6799

LAW OFFICES OF
SKJERVEN MORRILL
MACPHERSON LLP

25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979